

§ 203.41

trigger a new 10-day period. The Corps will deny a Governor's request if it is received subsequent to a Presidential declaration or denial. Shoreline or beach erosion damage reduction/prevention will not be undertaken unless there is an immediate threat to life or critical public facilities.

(c) *Loan or issue of supplies and equipment.* Issuance of Government owned equipment or materials to non-Federal interests is authorized only in actual emergencies. Providing Government supplies is authorized only after local resources have been fully committed. Equipment which is loaned should be returned to the Corps immediately after the flood operation ceases in a fully maintained condition. Expendable supplies such as sandbags will be replaced in kind or paid for by local interests to the extent considered feasible and practicable by the division or district commander. All unused expendable supplies will be returned to the Corps when the operation is terminated.

Subpart D—Rehabilitation

§ 203.41 General.

(a) *Scope of rehabilitation.* (1) Pub. L. 84-99 authorizes repair and restoration of the following projects to ensure their continued function:

- (i) All flood control projects.
- (ii) Federally authorized and constructed hurricane flood protection projects.
- (iii) Federally authorized and constructed beach erosion control projects.

(2) Modification of works to increase the degree of protection, or to provide protection to a larger area, is beyond the scope of Pub. L. 84-99. Such major modifications are normally accomplished under Congressional authorization and appropriation, or under special continuing authorities of the Corps. Modifications to increase the reliability of the existing protection must meet the criteria established in this subpart to be eligible for funding under Pub. L. 84-99.

(b) [Reserved]

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§ 203.42 Restrictions.

(a) *Restrictions to flood control works.* Projects must be designed and constructed to have appreciable and dependable protection in preventing damage from irregular and unusual rises in water levels to be considered flood control works. Structures built primarily for the purpose of channel alignment, navigation, recreation, fish and wildlife enhancement, land reclamation, drainage, or erosion protection are ineligible for Pub. L. 84-99 rehabilitation.

(b) *Non-flood related rehabilitation.* Rehabilitation of flood control structures damaged by occurrences other than floods, hurricanes, or coastal storms is not authorized under Pub. L. 84-99.

(c) *Maintenance and deterioration deficiencies.* Rehabilitation under Pub. L. 84-99 will not be applied to works which, as a result of poor maintenance or deterioration, require substantial reconstruction. All deficient or deferred maintenance existing when flood damage occurs will be accomplished by or at the expense of the responsible non-Federal interests, either prior to or concurrently with authorized rehabilitation work. When work accomplished by the Corps corrects deferred maintenance, the estimated deferred maintenance cost will be included as contributed non-Federal funds in addition to the cost-sharing requirement addressed in § 203.82(d). Failure of responsible non-Federal interests to correct significant deficiencies noted during regular inspections may result in suspension of any future rehabilitation assistance under Pub. L. 84-99.

(d) *Economic justification.* No project will be repaired unless the work satisfies the Corps criteria for a favorable benefit-to-cost ratio.

[48 FR 56373, Dec. 21, 1983, as amended at 51 FR 25691, July 16, 1986]

§ 203.43 Project development.

At the earliest opportunity, the project sponsor will be informed of any work which must be accomplished at non-Federal cost. This includes costs to correct maintenance deficiencies and/or any modifications which are necessary to preserve the integrity of the project but are beyond those authorized under Pub. L. 84-99.